



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

March 30, 2022

Maryanne Geisbush
Regulatory Consultant
Tessengerlo Kerley, Inc.
c/o Pyxis Regulatory Consulting Inc.
4110 136th St. Ct. NW
Gig Harbor, WA 98332

Subject: Registration Review Label Mitigation for Linuron
Product Name: LAYBY PRO HERBICIDE
EPA Registration Number: 61842-20
Application Date: October 16, 2020
Decision Number: 566997

Dear Ms. Geisbush:

The Agency, in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, has completed reviewing all the information submitted with your application to support the Registration Review of the above referenced product in connection with the Linuron Interim Decision, and has concluded that your submission is acceptable. The label referred to above, submitted in connection with registration under FIFRA, as amended, is acceptable.

Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance.

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. You must submit one copy of the final printed labeling before you release the product for shipment with the new labeling. In accordance with 40 CFR 152.130(c), you may distribute or sell this product under the previously approved labeling for 12 months from the date of this letter. After 12 months, you may only distribute or sell this product if it bears this new revised labeling or subsequently

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approved labeling. “To distribute or sell” is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR 152.3.

If you have any questions about this letter, please contact Marisa Wright by phone at 202-566-2335, or via email at wright.marisa@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Linda Arrington", with a long horizontal flourish extending to the right.

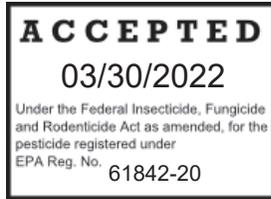
Linda Arrington, Branch Chief
Risk Management and Implementation Branch 4
Pesticide Re-Evaluation Division
Office of Pesticide Programs

Enclosure

LINURON	GROUP	7	HERBICIDE
DIURON	GROUP	7	HERBICIDE

Layby™ Pro Herbicide

For use in Cotton



This product contains 2 lbs. of Linuron and 2 lbs. of Diuron per gallon.

Active Ingredients	By Weight
Linuron	
3-(3, 4-dichlorophenyl)-1-methoxy-1-methylurea	20.3%
Diuron	
3-[3,4-dichlorophenyl]-1,1-dimethylurea	20.0%
Other Ingredients	59.7%
TOTAL	100.0%

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EPA Est. No. 37429-GA-001
NET CONTENTS: _____

KEEP OUT OF REACH OF CHILDREN CAUTION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand this label, find someone to explain it to you in detail.)

FIRST AID

IF SWALLOWED: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or doctor. Do not give anything by mouth to an unconscious person.

IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

IF IN EYES: Hold eyes open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

IF INHALED: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. Call a poison control center or doctor for further treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-866-374-1975 for emergency medical treatment information.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution! Harmful if swallowed, inhaled, or absorbed through the skin. Causes moderate eye irritation. Avoid breathing spray mist. Avoid contact with eyes, skin, or clothing. Prolonged or frequently repeated skin contact may cause an allergic reaction in some individuals.

PERSONAL PROTECTIVE EQUIPMENT

Mixers and loaders supporting ground application equipment must wear:

- Coveralls over long-sleeved shirt and long pants.
- Chemical resistant footwear plus socks.
- Chemical resistant gloves made of any waterproof material, including barrier laminate, butyl rubber ≥ 14 mils, nitrile rubber ≥ 14 mils, neoprene rubber ≥ 14 mils, natural rubber ≥ 14 mils, polyethylene, polyvinyl chloride (PVC) ≥ 14 mils, and viton ≥ 14 mils.
- A NIOSH approved dust/mist filtering respirator with any N, R, P or HP filter or with approval number prefix TC-21C.
- Chemical resistant apron.

All other mixers and loaders must wear:

- Coveralls over long-sleeved shirt and long pants.
- Chemical resistant footwear.
- Chemical resistant gloves made of any waterproof material, including barrier laminate, butyl rubber ≥ 14 mils, nitrile rubber ≥ 14 mils, neoprene rubber ≥ 14 mils, natural rubber ≥ 14 mils, polyethylene, polyvinyl chloride (PVC) ≥ 14 mils, and viton ≥ 14 mils.
- A NIOSH approved dust/mist filtering respirator with any N, R, P or HE filter or with approval number prefix TC-21C.
- Chemical resistant apron when cleaning equipment or spills.

Applicators and other handlers (other than mixers and loaders) must wear:

- Coveralls over long-sleeved shirt and long pants.
- Chemical resistant gloves made of any waterproof material including barrier laminate, butyl rubber ≥ 14 mils, nitrile rubber ≥ 14 mils, neoprene rubber ≥ 14 mils, natural rubber ≥ 14 mils, polyethylene, polyvinyl chloride (PVC) ≥ 14 mils, and viton ≥ 14 mils.
- Shoes plus socks.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering controls statement: When handlers use closed systems, enclosed cabs or aircraft in a manner that meets the requirements listed in Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

**USER SAFETY
RECOMMENDATIONS**

USERS SHOULD: wash hands thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. For terrestrial uses do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not apply where weather conditions favor drift from areas treated. Do not contaminate water when cleaning of equipment or disposing of equipment washwater and rinsate.

Ground Water Advisory: Linuron is known to leach through soil into ground water under certain conditions as a result of agricultural use. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in ground-water contamination.

Surface Water Advisory: Linuron may contaminate surface water through spray drift or under certain conditions from surface runoff into adjacent surface water bodies (ponds, lakes, streams, etc.). For several weeks post-application, linuron has a high potential to runoff when applied to fields with any of the following conditions: sloping land draining into nearby surface waters; very poorly to somewhat poorly drained soils; areas with extremely shallow ground water; frequently flooded areas; fields with surface water canals or ditches; and highly erodible land cultivated with poor management practices.

NON-TARGET ORGANISM ADVISORY: This product is toxic to plants and may adversely impact the forage and habitat of non-target organisms, including pollinators, in areas adjacent to the treated site. Protect the forage and habitat of non-target organisms by following label directions intended to minimize spray drift.

GENERAL INFORMATION

LAYBY™ PRO Herbicide is a flowable herbicide to be mixed in water and applied as a postemergence directed spray for selective control of weeds in cotton. It is noncorrosive to equipment, non-flammable and non-volatile.

LAYBY™ PRO Herbicide provides preemergence and postemergence control of key broadleaf weeds and grasses in cotton. Optimum results from postemergence applications are obtained when LAYBY™ PRO Herbicide is applied to small weeds (<2") that are actively growing. The addition of an adjuvant is recommended for improved postemergence control of broadleaf weeds and grasses with LAYBY™ PRO Herbicide.

Moisture is required to activate the chemical in the soil to provide residual weed control; best results occur if rainfall (or irrigation) occurs within 2 weeks of application.

INTEGRATED PEST MANAGEMENT

This product can be used as part of an Integrated Pest Management (IPM) program that can include biological, cultural, and genetic practices aimed at preventing economic pest damage. IPM principles and practices include field scouting or other detection methods, correct target pest identification, population monitoring, and treating when target pest populations reach locally determined action thresholds. Consult your state cooperative extension service, professional consultants or other qualified authorities to determine appropriate action treatment threshold levels for treating specific pest/crop systems in your area.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for protection of agricultural workers on farms, forests, nurseries, and greenhouses and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry intervals. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 24 hours. PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- Chemical-resistant gloves made of any waterproof material
- Shoes plus socks
- Chemical-resistant headgear for overhead exposure

APPLICATION RESTRICTIONS

Do not apply more than 3 pints (0.75 lb. ai diuron/0.75 lb. ai linuron) per acre per application.

Do not apply more than 3 pints (0.75 lb. ai diuron/0.75 lb. ai linuron) per acre per year.

Do not make more than 1 application per year.

Aerial application is prohibited.

Do not use on sand or loamy sand soils.

Do not use on soils of less than 1% organic matter.

Do not use on Pima varieties of cotton.
 Do not apply within 76 days of harvest.
 Do not allow livestock to graze treated cotton.
 Do not apply using handheld equipment. All applications with handheld equipment are prohibited.

WEED RESISTANCE MANAGEMENT

For resistance management, please note that LAYBY™ PRO Herbicide contains two Group 7 herbicides. Any weed population may contain or develop plants naturally resistant to LAYBY™ PRO Herbicide and other Group 7 herbicides. Weed species with acquired resistance to Group 7 herbicides may eventually dominate the weed population if Group 7 herbicides are used repeatedly in the same field or in successive years as the primary method of control for targeted species. This may result in partial or total loss of control of those species by LAYBY™ PRO Herbicide or other Group 7 herbicides. Users should scout before and after application.

Suspected herbicide-resistant weeds may be identified by these indicators:

- Failure to control a weed species normally controlled by the herbicide at the dose applied, especially if control is achieved on adjacent weeds;
- A spreading patch of non-controlled plants of a particular weed species; and
- Surviving plants mixed with controlled individuals of the same species.

To delay herbicide resistance:

- Avoid the consecutive use of LAYBY™ PRO Herbicide or other target site of action Group 7 herbicides that might have a similar target site of action, on the same weed species.
- Use tank mixtures or premixes with herbicides from different target site of action Groups as long as the involved products are all registered for the same use, have different sites of action and are both effective at the tank mix or prepack rate on the weed(s) of concern (an herbicide mode of action classification by itself may not adequately address specific weeds that are resistant to specific herbicides).
- Base herbicide use on a comprehensive Integrated Pest Management (IPM) program.
- Scout fields prior to application to identify the weed species present and their growth state to determine if the intended application will be effective.
- Scout fields after application to verify that the treatment was effective.
- Contact your local extension specialist, certified crop advisors and/or manufacturer for herbicide resistance management and/or integrated weed management recommendations for specific crops and resistant weed biotypes.

Report any incidence of non-performance of this product against a particular weed species to your Tessenlerlo Kerley, Inc. representative. If resistance is suspected, treat weed escapes with an herbicide having a different mechanism of action and/or use non-chemical means to

remove escapes, as practical, with the goal of preventing further seed production.

WEEDS CONTROLLED

LAYBY™ PRO Herbicide controls actively growing emerged seedlings of these weeds:

<u>Broadleaf</u>	<u>Grasses</u>
Annual morningglory	Barnyardgrass
Carpetweed	(watergrass)
Cocklebur	Broadleaf signalgrass
Dayflower, common	Canarygrass
Dogfennel	Crabgrass
Fiddleneck (amsinckia)	Fall panicum
Florida beggarweed	Foxtail (including giant)
Florida purslane	Goosegrass
(Florida pusley)	Rattail fescue
Groundsel	Ryegrass, annual
Knawel	Texas panicum
Lambsquarters	
Mustard	
Nettleleaf goosefoot	
Pigweed	
Prickly sida (teaweed)	
Purslane	
Ragweed, common	
Sesbania	
Sicklepod	
Smartweed	
Smellmelon	
Velvetleaf (buttonweed)	
Wild buckwheat	

APPLICATION DIRECTIONS

LAYBY™ PRO Herbicide should be used only in accordance with recommendations on this label. Injury to or loss of desirable trees or other plants may result from failure to observe the following:

GROUND APPLICATION: Use a fixed-boom power sprayer calibrated to a constant speed and rate of delivery. Openings in screens should be equal to or larger than 50 mesh. Continuous agitation in the spray tank is required to keep the material in suspension. If a by-pass or return line is used it should terminate at the bottom of the tank to minimize foaming. Avoid overlapping of spray swaths and shut off spray booms while starting, turning, slowing or stopping or injury to the crop may result.

Use sufficient volume of water for thorough coverage of weed foliage. Always apply in a manner and under conditions favorable to avoid spray drift.

CLEANING: Equipment should be cleaned of all traces of LAYBY™ PRO Herbicide immediately after use. Nozzle tips and screens should be removed and cleaned separately. Flush tank, pump, hoses and boom with several changes of water.

Equipment should not be flushed or drained or LAYBY™ PRO Herbicide applied near desirable trees or other plants, or on areas where their roots may extend, or in locations where the chemical may be washed or moved into contact with their roots.

SPRAY PREPARATION: Mix the proper amount of LAYBY™ PRO Herbicide in a volume of water adequate to provide thorough coverage of weeds, usually 10-30 gallons per acre. All rates of LAYBY™ PRO Herbicide (and tank mixtures) are expressed as broadcast rates; for band treatment, use proportionately less. For example, use

1/3 of the broadcast rate when treating a 14 inch band where row spacing is 42 inches.

SOIL LIMITATIONS: Unless otherwise directed, do not use on sand, loamy sand, gravelly soils or exposed subsoils nor on soils containing less than 1% organic matter as crop injury may result.

RECOMMENDED USES

COTTON - U.S. except California

Cotton 8 to 15 Inches Tall: Apply LAYBY™ PRO Herbicide as a directed or hooded/shielded spray application at 1.0-1.5 pts (0.25 – 0.375 lb. ai diuron/0.25 – 0.375 lb. ai linuron) per acre to cotton at least 8" tall. Use the lower rate on smaller cotton and for control of susceptible weeds less than 1" tall. Use the higher rate on larger cotton and for control of susceptible weeds up to 2" tall.

Cotton 15 Inches or Taller: Apply LAYBY™ PRO Herbicide as a directed or hooded/shielded sprayer application to cotton a minimum of 15" tall for control of susceptible emerged weeds up to 4" tall and residual control of germinating weeds following application. Apply 1.6 pts (0.4 lb. ai diuron/0.4 lb. ai linuron) per acre on coarse soils; 2 pts (0.5 lb. ai diuron/0.5 lb. ai linuron) per acre on medium soils; 2.4 pts (0.6 lb. ai diuron/0.6 lb. ai linuron) per acre on fine soils.

Application: Apply in sufficient volume, normally 10-30 gallons per acre, and in such a manner as to provide thorough coverage of weeds without contacting cotton foliage. The spray solution should be applied uniformly across the soil surface and to the base of cotton mainstems. Do not allow spray solution to contact cotton foliage as the crop will be injured. Use flat fan or similar spray tips which provide thorough coverage without producing excessive fine particles. Spray pressure should not exceed 40 psi, and on smaller cotton and where practical, should be limited to a maximum of 30 psi.

Adjuvants: For control of emerged weeds, addition of 2.0 qt of an approved agricultural non-ionic surfactant or 1.0 gal crop oil concentrate per 100 gal finished spray solution is recommended. Use of crop oil concentrate is not recommended for cotton less than 12" in height.

Tank mixes: LAYBY™ PRO Herbicide may be tank mixed with other herbicides labeled for postemergence directed, hooded/shielded sprayer and/or Layby applications in cotton, including MSMA, paraquat, "Aim" EC, and glyphosate ("Roundup" Ready varieties only). However, precautions and restrictions associated with each product used in tank mixtures must be followed, and the most restrictive label must be followed. MSMA is recommended for fields with heavy grass or morning glory populations. Do not add surfactant or crop oil concentrate to tank mixtures containing glyphosate products which do not require the addition of a surfactant. When tank mixing LAYBY™ PRO Herbicide with glyphosate, use at least 10 gallons per acre spray volume and add a compatibility agent.

PRODUCT USE LIMITATIONS

The maximum cumulative rate of diuron, from all sources, that may be applied to cotton in a single growing season is 0.8 lb ai/A on coarse soils, 1.5 lb ai/A on medium soils, and 2.2 lb ai/A on fine soils. The maximum cumulative rate of linuron, from all sources, that may be applied to cotton in a single growing season is 0.75 lb ai/A.

LAYBY™ PRO HERBICIDE CROP ROTATION INTERVALS

LAYBY™ PRO Herbicide contains 2.0 pounds active ingredient diuron per gallon. Crop rotation intervals are based on the cumulative amount of diuron active ingredient applied to the site in the preceding 12 months, inclusive of all diuron containing formulations.

Note: For the arid southwestern cotton belt (west of I-35), use the following crop rotation intervals if the cotton crop is grown to maturity (i.e., irrigation maintained and/or the crop not lost to drought) and the fields have had a thorough soil mixing (for example, two diskings or a deep plowing) prior to planting the rotational crop. If the above conditions are not met, a field bioassay should be completed prior to planting any desired crop.

Total diuron applied in 12 month period (lbs ai/acre)	Rotation crop to be planted	Minimum crop rotation interval after last application containing diuron
0.01 to 0.60	wheat	3 months
	all other crops	4 months
0.61 to 1.00	cabbage, collards, cotton field corn, rye, sugarcane, wheat	4 months
	cantaloupe, grain sorghum (except sorgos, forage sorghums and grass sorghum), peanuts, peppers, soybeans, squash, sweet corn, sweet potato, tobacco, tomato, watermelon	8 months
	all other crops	12 months
	cotton, field corn, sugarcane	4 months
1.01 to 1.60	cantaloupe, collards, grain sorghums (except sorgos, forage sorghums and grass sorghum), peppers, rye, soybeans, sweet potato, tobacco, tomato, watermelon, wheat	8 months
	all other crops	12 months
	sugarcane	4 months
1.61 to 2.2	cotton, field corn, grain sorghums (except sorgos, forage sorghums and grass sorghum)	8 months
	all other crops	12 months

MANDATORY SPRAY DRIFT MANAGEMENT

Ground Boom Applications:

- User must only apply with the release height recommended by the manufacturer, but no more than 4 feet above the ground or crop canopy.
- Applicators are required to use a medium or coarser droplet size (ASABE S572.3).
- Do not apply when wind speeds exceed 10 mph at the application site.
- Do not apply during temperature inversions.

Boom-less Ground Applications:

- Applicators are required to use a Medium or coarser droplet size (ASABE S572.1) for all applications.
- Do not apply when wind speeds exceed 10 miles per hour at the application site.
- Do not apply during temperature inversions.

SPRAY DRIFT ADVISORIES

THE APPLICATOR IS RESPONSIBLE FOR AVOIDING OFF-SITE SPRAY DRIFT.

BE AWARE OF NEARBY NON-TARGET SITES AND ENVIRONMENTAL CONDITIONS.

IMPORTANCE OF DROPLET SIZE

An effective way to reduce spray drift is to apply large droplets. Use the largest droplets that provide target pest control. While applying larger droplets will reduce spray drift, the potential for drift will be greater if applications are made improperly or under unfavorable environmental conditions.

Controlling Droplet Size – Ground Boom

- Volume - Increasing the spray volume so that larger droplets are produced will reduce spray drift. Use the highest practical spray volume for the application. If a greater spray volume is needed, consider using a nozzle with a higher flow rate.
- Pressure – Use the lowest spray pressure recommended for the nozzle to produce the target spray volume and droplet size.
- Spray Nozzle – Use a spray nozzle that is designed for the intended application. Consider using nozzles designed to reduce drift.

BOOM HEIGHT- Ground Boom

For ground equipment, the boom should remain level with the crop and have minimal bounce.

SHIELDED SPRAYERS

Shielding the boom or individual nozzles can reduce spray drift. Consider using shielded sprayers. Verify that the shields are not interfering with the uniform deposition of the spray on the target area.

TEMPERATURE AND HUMIDITY

When making applications in hot and dry conditions, use larger droplets to reduce effects of evaporation.

TEMPERATURE INVERSIONS

Drift potential is high during a temperature inversion. Temperature inversions are characterized by increasing

temperature with altitude and are common on nights with limited cloud cover and light to no wind. The presence of an inversion can be indicated by ground fog or by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing. Avoid applications during temperature inversions.

WIND

Drift potential generally increases with wind speed. AVOID APPLICATIONS DURING GUSTY WIND CONDITIONS.

Applicators need to be familiar with local wind patterns and terrain that could affect spray drift.

Boomless Ground Applications:

- Setting nozzles at the lowest effective height will help reduce the potential for spray drift.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

PESTICIDE STORAGE: Store product in original container only.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER HANDLING: Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure 2 more times. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities by burning. If burned, stay out of smoke.

For minor spills, leaks, etc., follow all precautions indicated on this label and clean up immediately. Take special care to avoid contamination of equipment and facilities during cleanup procedures and disposal of wastes. In the event of a major spill, fire or other emergency, call 1-866-374-1975 day or night.

NOTICE TO BUYER: Purchase of this material does not confer any rights under patents of countries outside of the United States.

“Aim” is a registered trademark of FMC Corporation

“Roundup” is a registered trademark of Monsanto Technology LLC

Layby Pro is a trademark and NovaSource is a registered trademark of Tessengerlo Kerley, Inc.

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[EPA APPROVAL DATE]

**LIMITATION OF
WARRANTY AND LIABILITY**

NOTICE: Read this Limitation of Warranty and Liability Before Buying or Using This Product. If the Terms Are Not Acceptable, Return the Product at Once, Unopened, and the Purchase Price Will Be Refunded.

It is impossible to eliminate all risks associated with the use of this product. Such risks arise from weather conditions, soil factors, off target movement, unconventional farming techniques, presence of other materials, the manner of use or application, or other unknown factors, all of which are beyond the control of Tessenderlo Kerley, Inc. These risks can cause: ineffectiveness of the product, crop injury, or injury to non-target crops or plants. WHEN YOU BUY OR USE THIS PRODUCT, YOU AGREE TO ACCEPT THESE RISKS.

Tessenderlo Kerley, Inc. warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for the purpose stated in the Directions for Use, subject to the inherent risks described above, when used in accordance with the Directions for Use under normal conditions.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, TESSENDERLO KERLEY, INC. MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR OF MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL TESSENDERLO KERLEY, INC. OR SELLER BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. BUYER'S OR USER'S BARGAINED-FOR EXPECTATION IS CROP PROTECTION. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER AND THE EXCLUSIVE LIABILITY OF TESSENDERLO KERLEY, INC. OR SELLER, FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY OR CONTRACT, NEGLIGENCE, TORT OR STRICT LIABILITY), WHETHER FROM FAILURE TO PERFORM OR INJURY TO CROPS OR OTHER PLANTS, AND RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT, OR AT THE ELECTION OF TESSENDERLO KERLEY, INC. OR SELLER, THE REPLACEMENT OF THE PRODUCT.

To the extent consistent with applicable law that allows such requirement, Tessenderlo Kerley, Inc. or its Ag Retailer must have prompt notice of any claim so that an immediate inspection of buyer's or user's growing crops can be made. Buyer and all users shall promptly notify Tessenderlo Kerley, Inc. or a Tessenderlo Kerley, Inc. Ag Retailer of any claims, whether based on contract, negligence, strict liability, other tort or otherwise, or be barred from any remedy.

This Limitation of Warranty and Liability may not be amended by any oral or written agreement.

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